

**Notice of Intent (NOI) Instructions**  
for Stormwater Runoff from Construction Activities  
Authorized by the Kansas Water Pollution Control General Permit S-MCST-0110-1

## **Who Must File An NOI**

Federal law through the Clean Water Act and 40 CFR Part 122 prohibits point source discharges of stormwater runoff associated with construction activity to Waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. The owner or operator of a site where construction activity will occur that may have a discharge of stormwater runoff must submit a NOI to obtain coverage under a Kansas Water Pollution Control general permit. This general permit addresses water quality, not quantity.

The general NPDES permit, the NOI, copies of other relevant forms, and reference material is available from the [KDHE Stormwater Website: www.kdhe.state.ks.us/stormwater](http://www.kdhe.state.ks.us/stormwater)

A hard copy of the NOI, the general NPDES permit, the general permit information packet, or other reference material may also be obtained by sending a written request to KDHE at:

Kansas Department of Health and Environment  
Bureau of Water, Industrial Programs Section  
1000 SW Jackson, Suite 420  
Topeka, KS 66612 - 1367

For additional information, contact KDHE at (785) 296-5549.

## **Where To Send An NOI Form**

Send the NOI to the following address:

Kansas Department of Health and Environment  
Bureau of Water, Industrial Programs Section  
1000 SW Jackson, Suite 420  
Topeka, KS 66612 - 1367

## **When to Send An NOI Form**

Submit an NOI no later than 60 days prior to the start of construction.

Applicant are encouraged to submit an NOI as soon as possible to avoid delaying construction. Applicants are not authorized to discharge under the general permit for Stormwater Runoff from Construction Activities until KDHE has authorized the NOI. KDHE anticipates authorizing most NOI's within 60 days following receipt. However, if coverage under the general permit is denied, an applicant will be required to submit an application for an individual Kansas Water Pollution Control permit.

## **Section I Owner or Operator & Record Location Information**

Identify the owner(s) or operator(s) that either individually or taken together have operational control over the site specification; and which have the day-to-day operational control of those activities at the site necessary to ensure compliance. The responsible party is the legal entity that controls the site's operation, rather than the site manager.

If the site discharges stormwater directly to a receiving water, enter the name of the first receiving water. This may be obtained from the Kansas Surface Water Register, a United States Geological Survey (U.S.G.S.) topographic map or KDOT general highway map for the county where the project or discharge point is located.

Do not use a colloquial name. Enter the owner or operator's complete For a typical commercial construction site, the owner or general contractor is the owner or operator. (See the definition.) For a typical residential development (subdivision), the owner or an authorized representative is the owner or operator. Each owner or operator who individually does not engage in a large construction activity must apply when the larger plan of development is a large construction activity. On or after March 10, 2003, each owner or operator who individually does not engage in a small construction activity must also apply when the larger plan of development is a small or large construction activity. Give the legal name of the company, firm, public organization, or any other entity that owns the site described in the NOI, or if the activity will be on a right of way, leased property, or easement, give the name of the responsible party.

Records regarding the permit must be kept at the site or at a readily available location. If the records cannot be located on the project site, provide the address where the records will be located.

## **Section II Site Information**

### **A. LOCATION**

Enter the project's official or legal name and physical location including the complete street address, city, county, state and ZIP code. If the site lacks a street address, indicate the county, section, township, and range (to the nearest quarter/quarter section; 40 acres) of the center of the site.

Enter the name and phone number of a person who can be contacted regarding this construction site. The owner or operator and contact person need not be the same.

### **B. EXISTING CONDITIONS/USES**

Indicate whether the site is located on Indian lands. If the entire construction disturbance is located on Indian land, the owner or operator cannot be covered by KDHE under this general NPDES permit. For information regarding discharges of stormwater runoff on Indian lands contact:

Storm Water Coordinator  
U.S. EPA, Region VII  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101

EPA is the permitting authority on Indian lands. To request authorization to discharge stormwater runoff from construction activities conducted on Indian lands, the applicant must contact EPA.

If the stormwater runoff from construction activities flows into a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name, or the name of the responsible public body), and provide the name of the first receiving water, stream, or lake.

Indicate the river basin in which the project is located.

The Kansas Surface Water Register, can be downloaded from the [KDHE Stormwater Website: www.kdhe.state.ks.us/stormwater](http://www.kdhe.state.ks.us/stormwater). A hard copy of the list of waters or the complete Surface Water Register may also be obtained by sending a written request to KDHE at the address above.

## NOI Instructions CONTINUED:

Indicate if there are any known soil contamination areas at the project.

Identify any and all surface water intakes for public drinking water supplies within one half mile downstream of the discharge points.

Indicate if there are any known historical or archeological sites present at the proposed project site. The Kansas State Historical Society maintains a list of recorded sites or may recommend the project be surveyed for such sites by a professional archeologist. The KSHS may be reached at:

Kansas State Historical Society (KSHS)  
6425 SW 6<sup>th</sup> Avenue  
Topeka, KS 66615 - 1099  
(785) 272-8681, extension 240

Indicate whether any threatened or endangered species are known or are likely to be present at the site or within the receiving water body. Through Kansas Administrative Regulations (K.A.R.) 115-15-1 et seq. the Kansas Department of Wildlife and Parks (KDWP), maintains a listing of threatened or endangered species and their critical habitats.

If threatened or endangered species are likely to be present at the site or within the receiving water body, then list the species and describe the location in relation to the site location.

Contact the KDWP's Environmental Services Section at (620) 672-0744 for assistance. KDWP may be contacted at:

Kansas Department of Wildlife and Parks (KDWP)  
Environmental Services Section  
512 SE 25th Avenue  
Pratt, KS 67124-8174  
(620) 672-0744

Indicate if there are any Critical Water Quality Management Areas (CWQMA) established in accordance with K.A.R. 28-16-70; Exceptional State Waters (ESW); Special Aquatic Life Use Waters (SALU), or Outstanding National Resource Waters (ONRW), as listed in the Kansas Surface Water Register which are within ½ mile of the proposed construction project. A listing of these water bodies is maintained by KDHE in the Kansas Surface Water Register. A copy of the list, and information regarding the Kansas Surface Water Register is available by calling KDHE at (785) 296-5549.

If contaminated soils or hazardous wastes are known to be present on the site, select "Y".

### C. PROJECT DESCRIPTION

Briefly describe the nature of the construction activity.

Enter the project start date and the estimated completion date for the entire development plan. For phased construction projects with planned intervals of non-activity, do not show the end of a phase as a completion date. If the owner or operator submits a Notice of Termination (NOT) when a construction phase ends, the owner or operator of the construction site must submit a new NOI when construction resumes.

Estimate the area to be disturbed. Include access roads to be constructed, and adjacent or on-site material borrow areas and excess material storage areas.

Where a common drainage area of ten or more acres is disturbed, a sedimentation basin, or equivalent alternative, is required if feasible. If a sediment basin is not feasible, attach a description of the proposed

alternative. Proposed alternatives must control erosion and sediment movement as effectively as a sedimentation basin.

### D. EROSION CONTROL PLAN AND BEST MANAGEMENT PRACTICES

Attach a detailed site plan(s) showing the existing contours; proposed contours; structural and nonstructural control features; sedimentation basin(s), if any; and the location stormwater runoff leaves the construction site. Identify the areas where soil will be disturbed and stabilization practices are expected to occur.

Briefly describe the controls and measures that will be implemented to control pollutants in stormwater runoff. Include a description of the BMPs (e.g., good housekeeping, limiting soil disturbance, temporary mulching, spill prevention, etc.) and sediment and erosion control measures (vegetated drainage swales, rock outlet protection, sediment basins, etc.).

Also, describe the controls and measures that will be constructed as part of the project and left in place in order to control pollutants from the intended site use after construction is finished. Describe the local requirement, if any, for the permanent stormwater management feature.

Describe the sequence of major soil disturbing activities.

### E. MAPS

Provide a general topographic map or maps of the area extending at least to one mile beyond the property boundaries of the site which clearly shows:

The construction site, access roads, and the area(s) where soil will be disturbed;

The location of each of your existing and proposed discharge points;

Rivers, waterways and drainage ditches, and the flow direction;

Surface water intakes for public water supplies; and

The map scale, and a meridian arrow pointing north.

Use a 7½ minute series map as published by the U.S.G.S. (or a photocopy of the pertinent portions). Maps for the State of Kansas may be obtained from the U.S.G.S. Office or Kansas Geological Survey Offices listed below.

Kansas Geological Survey	Kansas Geological Survey
1930 Constant Avenue	4150 Monroe Street
Lawrence, Kansas 66047-3724	Wichita, Kansas 67209
(785) 864-2157	(316) 943-2343
<a href="http://ks.water.usgs.gov/">http://ks.water.usgs.gov/</a>	

### Section III. Annual Fee

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE." Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is \$60. An annual bill will be sent to the contact person requesting a permit fee until such time as the permit holder submits a Notice of Termination (NOT).

**NOI Instructions CONTINUED:**

**Section IV. Applicant Certifications**

Applicants should read and ensure they understand the statements in this section of the application before signing the application. The application must be signed by the project owner or operator.

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require the NOI to be signed as follows:

*For a corporation:* by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

*For a municipality, state, Federal, or other public facility:* by either a principal executive officer or ranking elected official.